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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,693	04/27/2000	Alexander C. Ranous	10002147	3052

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FORT COLLINS, CO 80527-2400

EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 07/22/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/559,693

Applicant(s)

RANOUS ET AL.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 21-29 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 21-29, 36-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

This Office Action is in response to amendment filed April 16, 2004. Claims 1-10, 21-29, and 36-39 are presented for further examination. Claims 40-43 are presented for initial examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 21-27, 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Schweitzer et al. (hereinafter "Schweit", 2002/0091811 A1).

As per claims 1, 21, 36, and 40, Schweit discloses a network usage system having multiple level distributed data storage system, the system comprising:

- A set of first level network data collectors, wherein each first level network data collector receives network accounting data from a network data source, processes and stores the network accounting data at the first level network data collector (paragraph [0011], [0013], [0041], [0043], [0069]-[0072]);

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- A set of second level network data collectors, wherein second level network data collector receives processed network accounting data from one or more first level data collectors, processes and stores the network accounting data at the second level network data collector (paragraph [0011], [0013], [0041], [0043], [0069]-[0072], [0081]-[0083], [0089], [0102]).

As per claims 2 and 22, Schweit discloses:

- A third level network data collector, wherein third level network data collector receives processed network accounting data from first level data collectors, second level data collector, processes and stores the network accounting data at the third level network data collector (paragraph [0011], [0013], [0041], [0043], [0069]-[0072], [0081]-[0083], [0089], [0102]).

As per claims 3 and 23, Schweit discloses:

- An application interface which receives processed network accounting data from the first level network data collector, the second level network data collector, or the third level network data collector (paragraphs [0049], [0073], [0076]-[0077], [0089]).

As per claims 4, 24, and 39, Schweit further discloses:

- The first level network data collector includes a query manager, and the second level network data collector is in communication with the first level network data collector via the query manager (paragraphs [0080]-[0089]).

As per claims 5, 25, and 37, Schweit discloses:

- The first level network data collector converts the network accounting data to a standard data format (paragraphs [0011], [0024]-[0025]).

As per claim 6, Schweit discloses:

- Each first level network data collector includes a first level data storage system and the second level network data collector includes a second level data storage system, for the storing processed network accounting data (paragraph [0011], [0013], [0041], [0043], [0069]-[0072], [0081]-[0083], [0089], [0102]).

As per claims 7 and 26, Schweit further discloses:

- The first level data storage system and the second level data storage system each include a processed data storage location, a metadata storage location and an error recovery information storage location, wherein the processed network accounting data is stored at the processed data storage location (paragraphs [0071]-[0074], [0087]).

As per claims 8 and 27, Schweit discloses:

- After storing of the processed network accounting data, corresponding metadata is transferred to the metadata storage location and error recovery information is

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transferred to the error recovery information location (paragraphs [0071]-[0074], [0087]).

As per claim 38, Schweit discloses:

- The first set of network usage information includes defining the first network usage information at least one of network usage data or network session data (Abstract).

As per claim 41, Schweit discloses:

- Each first level network data collector is configured to receive network accounting data from an Internet network data source (paragraphs [0011], [0023], [0043], [0046], [0049]).

As per claim 42, Schweit discloses:

- Each first level network data collector is configured to receive network accounting data from an intranet network data source (paragraphs [0011], [0023], [0043], [0046], [0049]).

As per claim 43, Schweit discloses:

- Each first level network data collector is configured to receive network accounting data from a telephony network data source (paragraphs [0011], [0023], [0043], [0046], [0049]).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-10, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schweitzer et al. (hereinafter "Schweit", 2002/0091811 A1) in view of Dyer et al. (hereinafter "Dyer", 4,361,877).

As per claims 9 and 28, Schweit does not explicitly disclose:

- The first level data storage system includes a first level aging policy, wherein network accounting data is removed from the first level data storage system after a time period corresponding to the first level aging policy.

However, in an analogous art, Dyer discloses removing data after it has been stored for a predetermined period of time (Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a first level aging policy in Schweit's method in order to conserve storage space and make room for new, more current data.

As per claims 10 and 29, Schweit does not explicitly disclose:

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- The second level data storage system includes a second level aging policy different from the first level aging policy, wherein the network accounting data is removed from the second level data storage system after a time period corresponding to the second level aging policy.

However, in an analogous art, Dyer discloses removing data after it has been stored for a predetermined period of time (Abstract).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a first level aging policy in Schweit's method in order to conserve storage space and make room for new, more current data.

### ***Response to Arguments***

**The Office notes the following arguments:**

- (a) Skinner does not disclose the network usage system having a multiple level distributed data storage system.
- (b) Skinner fails to disclose a set of first level network data collectors, second level data collectors.

**In response:**

- (a)-(b) Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

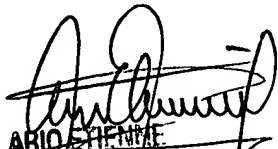
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess  
Examiner  
Art Unit 2157

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July 12, 2004

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100